

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND)
SOUTHWEST AREAS PENSION FUND, et al.,)
)
 Plaintiffs,) Case No. 07 C 7137
)
 v.) District Judge Kendall
)
BUCK DEAN EXCAVATING, LLC,) Magistrate Judge Keys
)
 Defendant.)

PLAINTIFFS' MOTION FOR RELEASE OF GARNISHED FUNDS

NOW COME Plaintiffs, by their attorney, and move for an order directing Garnishee-Defendant First Federal Savings Bank of Champaign-Urbana to release certain funds to Plaintiffs. In support of their motion, Plaintiffs state as follows:

1. On January 31, 2008, the Court, by District Judge Kendall, entered judgment in favor of Plaintiffs and against Defendant in the amount of \$22,479.88. To date, \$19,103.93 of that total judgment remains unsatisfied.
2. On July 18, 2008, the Clerk of this Court issued a garnishment summons to First Federal Savings Bank of Champaign-Urbana, the Garnishee-Defendant ("the Bank").
3. The Bank was served with a Garnishment Summons (Non-Wage), Affidavit for Garnishment (Non-Wage), and Interrogatories to Garnishee by the Sheriff of Champaign County, Illinois on July 30, 2008.
4. The Bank responded by indicating that it has on deposit (and would hold) \$343.49 in an account owned by Defendant. Attached hereto as Exhibit A are the Bank's Answers to Interrogatories, which verify this fact.

5. Plaintiffs therefore move the Court to order that the \$343.49 belonging to Defendant, and on deposit with the Bank, be turned over to Plaintiffs in order to further partially satisfy the judgment in this cause.

WHEREFORE, Plaintiffs respectfully request that this Court order Garnishee-Defendant First Federal Savings Bank of Champaign-Urbana to release the \$343.49 held on deposit for Defendant to Plaintiffs by mailing a check made payable to the Central States, Southeast and Southwest Areas Pension Fund to the undersigned attorney, and Plaintiffs further request that the Court grant them all other just and appropriate relief.

Respectfully submitted,

/s/ Edward H. Bogle

Edward H. Bogle (ARDC No. 6277152)
Attorney for Plaintiffs
Central States Funds Law Department
9377 W. Higgins Road
Rosemont, Illinois 60018
(847) 518-9800 Ext. 3469
ebogle@centralstatesfunds.org

June 13, 2008

CERTIFICATE OF SERVICE

I, Edward H. Bogle, attorney for Plaintiffs, certify that on August 12, 2008, I caused the foregoing Motion for Release of Garnished Funds to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system. For all other parties, who are listed below, I served the foregoing by mailing it to:

Mr. Buck Dean
607 S. Walnut St.
Mahomet, Illinois 61853

Said document was deposited in the United States Mail at 9377 West Higgins Road, Rosemont, Illinois, 60018-4938, with proper prepaid postage affixed thereto, this 12th day of August, 2008.

/s/ Edward H. Bogle
Edward H. Bogle
Plaintiffs' Attorney